

AMENDED IN SENATE JULY 28, 1998

AMENDED IN SENATE JULY 7, 1998

AMENDED IN ASSEMBLY JANUARY 16, 1998

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AMENDED IN ASSEMBLY JANUARY 5, 1998

AMENDED IN ASSEMBLY MAY 1, 1997

AMENDED IN ASSEMBLY MARCH 31, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 960

Introduced by Assembly Member Wright

February 27, 1997

An act to amend Sections 3653, 4351, 5235, and 5241 of, and to add Section 4205 to, the Family Code, and to amend Section 11350.1 of the Welfare and Institutions Code, relating to support orders.

LEGISLATIVE COUNSEL'S DIGEST

AB 960, as amended, R. Wright. Support orders.

Existing law provides that, when a court enters a support order, it shall include an earnings assignment order directing the obligor's employer to pay the obligee a portion of the obligor's earnings, as specified, and provides that the employer is liable to the obligee for support the employer willfully fails to withhold or forward to the obligee.

This bill would provide that the obligor shall not be held in contempt or subject to criminal prosecution for nonpayment of support that is withheld by the employer but not received by the obligee, require the district attorney to take action to collect the withheld sums from the employer, and specify that the employer who willfully fails to withhold or forward support is also liable for interest thereon.

Existing law allows the court to make an order modifying or terminating an order for child, family, or spousal support retroactive to the date of filing of the motion or order to show cause.

This bill would require the court, when making an order modifying or terminating a support order due to the unemployment of either party, to make the order retroactive to the later of the date of filing or the date of unemployment, unless good cause for nonretroactivity is found and stated on the record.

Existing law authorizes, and in specified circumstances requires, the district attorney to enforce support orders.

This bill would require that any notice from the district attorney requesting a meeting with a support obligor shall advise the support obligor of his or her right to have an attorney present at the meeting.

This bill would incorporate additional changes in Section 4351 of the Family Code proposed by AB 2094, to be operative if this bill and AB 2094 are enacted and become effective before January 1, 1999, and this bill is enacted last, and would make an additional conforming change.

This bill would incorporate additional changes in Section 11350.1 of the Welfare and Institutions Code proposed by AB 2094, to be operative if this bill and AB 2094 are enacted and become effective before January 1, 1999, and this bill is enacted last, and would make an additional conforming change.

Because this bill would impose new duties on district attorneys, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for



making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3653 of the Family Code is
2 amended to read:

3 3653. (a) An order modifying or terminating a
4 support order may be made retroactive to the date of the
5 filing of the notice of motion or order to show cause to
6 modify or terminate, or to any subsequent date, except as
7 provided in subdivision (b) or by federal law (42 U.S.C.
8 Sec. 666(a)(9)).

9 (b) If an order modifying or terminating a support
10 order is entered due to the unemployment of either the
11 support obligor or the support obligee, the order shall be
12 made retroactive to the later of the date of the filing of the
13 notice of motion or order to show cause to modify or
14 terminate or the date of unemployment, subject to the
15 notice requirements of federal law (42 U.S.C. Sec.
16 666(a)(9)), unless the court finds good cause not to make
17 the order retroactive and states its reasons on the record.

18 SEC. 2. Section 4205 is added to the Family Code, to
19 read:

20 4205. Any notice from the district attorney requesting
21 a meeting with the support obligor for any purpose
22 authorized under this part shall contain a statement
23 advising the support obligor of his or her right to have an
24 attorney present at the meeting.

25 SEC. 3. Section 4351 of the Family Code is amended
26 to read:

1 4351. (a) In any proceeding where the court has
2 entered an order pursuant to Section 4350, the court may
3 also refer the matter of enforcement of the spousal
4 support order to the district attorney. The district
5 attorney may bring those enforcement proceedings as
6 the district attorney in the district attorney's discretion
7 determines to be appropriate.

8 (b) Notwithstanding subdivision (a), in any case in
9 which the district attorney is required to appear on behalf
10 of a welfare recipient in a proceeding to enforce an order
11 requiring payment of child support, the district attorney
12 shall also enforce any order requiring payment to the
13 welfare recipient of spousal support that is in arrears.

14 (c) Nothing in this section shall be construed to
15 prohibit the district attorney from bringing an action or
16 initiating process to enforce or punish the failure to obey
17 an order for spousal support under any provision of law
18 that empowers the district attorney to bring an action or
19 initiate a process, whether or not there has been a referral
20 by the court pursuant to this chapter.

21 (d) Any notice from the district attorney requesting a
22 meeting with the support obligor for any purpose
23 authorized under this part shall contain a statement
24 advising the support obligor of his or her right to have an
25 attorney present at the meeting.

26 *SEC. 3.1. Section 4351 of the Family Code is amended*
27 *to read:*

28 4351. (a) In any proceeding where the court has
29 entered an order pursuant to Section 4350, the court may
30 also refer the matter of enforcement of the spousal
31 support order to the ~~district attorney.~~ ~~The district~~
32 ~~attorney~~ *Franchise Tax Board. The Franchise Tax Board*
33 *may bring—such those* enforcement proceedings as ~~the~~
34 ~~district attorney in the district attorney's~~ *it in its*
35 discretion determines to be appropriate.

36 (b) Notwithstanding subdivision (a), in any case in
37 which the ~~district attorney~~ *Franchise Tax Board* is
38 required to appear on behalf of a welfare recipient in a
39 proceeding to enforce an order requiring payment of
40 child support, the ~~district attorney~~ *Franchise Tax Board*

1 shall also enforce any order requiring payment to the
2 welfare recipient of spousal support that is in arrears.

3 (c) Nothing in this section shall be construed to
4 prohibit the ~~district attorney~~ *Franchise Tax Board* from
5 bringing an action or initiating process to enforce or
6 punish the failure to obey an order for spousal support
7 under any provision of law ~~which~~ *that* empowers the
8 ~~district attorney~~ *Franchise Tax Board* to bring ~~such~~ an
9 action or initiate ~~such~~ a process, whether or not there has
10 been a referral by the court pursuant to this chapter.

11 (d) *Any notice from the Franchise Tax Board*
12 *requesting a meeting with the support obligor for any*
13 *purpose authorized under this part shall contain a*
14 *statement advising the support obligor of his or her right*
15 *to have an attorney present at the meeting.*

16 SEC. 4. Section 5235 of the Family Code is amended
17 to read:

18 5235. (a) The employer shall continue to withhold
19 and forward support as required by the assignment order
20 until served with notice terminating the assignment
21 order. If an employer withholds support as required by
22 the assignment order, the obligor shall not be held in
23 contempt or subject to criminal prosecution for
24 nonpayment of the support that was withheld by the
25 employer but not received by the obligee. If the
26 employer withheld the support but failed to forward the
27 payments to the obligee, the employer shall be liable for
28 the payments, including interest, as provided in Section
29 5241.

30 (b) Within 10 days of service of a substitution of payee
31 on the employer, the employer shall forward all
32 subsequent support to the governmental entity or other
33 payee that sent the substitution.

34 (c) The employer shall send the amounts withheld to
35 the obligee within the timeframe specified in federal law
36 and shall report to the obligee the date on which the
37 amount was withheld from the obligor's wages.

38 (d) The employer may deduct from the earnings of
39 the employee the sum of one dollar (\$1) for each
40 payment made pursuant to the order.

(e) Once the Child Support Centralized Collection and Distribution Unit as required by Section 11475.4 of the Welfare and Institutions Code is operational, the employer shall send all earnings withheld pursuant to this chapter to the Child Support Centralized Collection and Distribution Unit instead of the obligee.

SEC. 5. Section 5241 of the Family Code is amended to read:

5241. (a) An employer who willfully fails to withhold and forward support pursuant to a currently valid assignment order entered and served upon the employer pursuant to this chapter is liable to the obligee for the amount of support not withheld, forwarded, or otherwise paid to the obligee, including any interest thereon.

(b) If an employer withholds support as required by the assignment order, the obligor shall not be held in contempt or subject to criminal prosecution for nonpayment of the support that was withheld by the employer but not received by the obligee.

(c) In addition to any other penalty or liability provided by law, willful failure by an employer to comply with an assignment order is punishable as a contempt pursuant to Section 1218 of the Code of Civil Procedure.

(d) If an employer withholds support, as required by the assignment order, but fails to forward the support to the obligee, the district attorney shall take appropriate action to collect the withheld sums from the employer. This provision shall not be construed to expand or limit the duties and obligations of the Labor Commissioner, as set forth in Section 200 and following of the Labor Code.

SEC. 6. Section 11350.1 of the Welfare and Institutions Code is amended to read:

11350.1. (a) Notwithstanding any other statute, in any action brought by the district attorney for the support of a minor child or children, the action may be prosecuted in the name of the county on behalf of the child, children, or a parent of the child or children. The parent who has requested or is receiving support enforcement services of the district attorney shall not be a necessary party to the action but may be subpoenaed as a witness. Except as

1 provided in subdivision (e), in an action under this
2 section there shall be no joinder of actions, or
3 coordination of actions, or cross-complaints, and the
4 issues shall be limited strictly to the question of parentage,
5 if applicable, and child support, including an order for
6 medical support. A final determination of parentage may
7 be made in any action under this section as an incident to
8 obtaining an order for support. An action for support or
9 parentage pursuant to this section shall not be delayed or
10 stayed because of the pendency of any other action
11 between the parties.

12 (b) Judgment in an action brought pursuant to this
13 section, and in an action brought pursuant to Section
14 11350, if at issue, may be rendered pursuant to a noticed
15 motion, that shall inform the defendant that in order to
16 exercise his or her right to trial, he or she must appear at
17 the hearing on the motion.

18 If the defendant appears at the hearing on the motion,
19 the court shall inquire of the defendant if he or she desires
20 to subpoena evidence and witnesses, if parentage is at
21 issue and genetic tests have not already been conducted
22 whether he or she desires genetic tests, and if he or she
23 desires a trial. If the defendant's answer is in the
24 affirmative, a continuance shall be granted to allow the
25 defendant to exercise those rights. A continuance shall
26 not postpone the hearing to more than 90 days from the
27 date of service of the motion. If a continuance is granted,
28 the court may make an order for temporary support
29 without prejudice to the right of the court to make an
30 order for temporary support as otherwise allowed by law.

31 (c) In any action to enforce a spousal support order the
32 action may be pled in the name of the county in the same
33 manner as an action to establish a child support
34 obligation. The same restrictions on joinder of actions,
35 coordination of actions, cross-complaints, and delay
36 because of the pendency of any other action as relates to
37 actions to establish a child support obligation shall also
38 apply to actions to enforce a spousal support order.

39 (d) Nothing contained in this section shall be
40 construed to prevent the parties from bringing an

1 independent action under the Family Code and litigating
2 the issues of support, custody, visitation, or protective
3 orders. In that event, any support, custody, visitation, or
4 protective order issued by the court in an action pursuant
5 to this section shall be filed in the action commenced
6 under the Family Code and shall continue in effect until
7 modified by a subsequent order of the court. To the
8 extent that the orders conflict, the court order last issued
9 shall supersede all other orders and be binding upon all
10 parties in that action.

11 (e) (1) After a support order, including a temporary
12 support order and an order for medical support only, has
13 been entered in an action brought pursuant to this
14 section, the parent who has requested or is receiving
15 support enforcement services of the district attorney shall
16 become a party to the action brought pursuant to this
17 section, only in the manner and to the extent provided by
18 this section, and only for the purposes allowed by this
19 section.

20 (2) Notice of the parent's status as a party shall be
21 given to the parent by the district attorney in conjunction
22 with the notice required by subdivision (e) of Section
23 11478.2. The complaint shall contain this notice. Service
24 of the complaint on the parent in compliance with
25 Section 1013 of the Code of Civil Procedure, or as
26 otherwise provided by law, shall constitute compliance
27 with this section. In all actions commenced under the
28 procedures and forms in effect on or before December 31,
29 1996, the parent who has requested or is receiving
30 support enforcement services of the district attorney shall
31 not become a party to the action until he or she is joined
32 as a party pursuant to an ex parte application or noticed
33 motion for joinder filed by the district attorney or a
34 noticed motion filed by either parent. The district
35 attorney shall serve a copy of any order for joinder of a
36 parent obtained by the district attorney's application on
37 both parents in compliance with Section 1013 of the Code
38 of Civil Procedure.

39 (3) The parent who has requested or is receiving
40 support enforcement services of the district attorney is a



1 party to an action brought under this section for issues
2 relating to the support, custody, and visitation of a child,
3 and for restraining orders, and for no other purpose. The
4 district attorney shall not be required to serve or receive
5 service of papers, pleadings, or documents, or participate
6 in, or attend any hearing or proceeding relating to issues
7 of custody or visitation, except as otherwise required by
8 law. Orders concerning custody and visitation may be
9 made in an action pursuant to this subdivision only if
10 orders concerning custody and visitation have not been
11 previously made by a court of competent jurisdiction in
12 this state or another state and the court has jurisdiction
13 and is the proper venue for custody and visitation
14 determinations. All issues regarding custody and
15 visitation shall be heard and resolved in the manner
16 provided by the Family Code. Except as otherwise
17 provided by law, the district attorney shall control
18 support and parentage litigation brought pursuant to this
19 section, and the manner, method, and procedures used in
20 establishing parentage and in establishing and enforcing
21 support obligations unless and until the parent who
22 requested or is receiving support enforcement services
23 has requested in writing that the district attorney close his
24 or her case and the case has been closed in accordance
25 with federal regulation.

26 (f) (1) A parent who has requested or is receiving
27 support enforcement services of the district attorney may
28 take independent action to modify a support order made
29 pursuant to this section while support enforcement
30 services are being provided by the district attorney. The
31 parent shall serve the district attorney with notice of any
32 action filed to modify the support order and provide the
33 district attorney with a copy of the modified order within
34 15 calendar days after the date the order is issued.

35 (2) A parent who has requested or is receiving support
36 enforcement services of the district attorney may take
37 independent action to enforce a support order made
38 pursuant to this section while support enforcement
39 services are being provided by the district attorney with
40 the written consent of the district attorney. At least 30

1 days prior to filing an independent enforcement action,
2 the parent shall provide the district attorney with written
3 notice of the parent's intent to file an enforcement action
4 that includes a description of the type of enforcement
5 action the parent intends to file. Within 30 days of
6 receiving the notice, the district attorney shall either
7 provide written consent for the parent to proceed with
8 the independent enforcement action or notify the parent
9 that the district attorney objects to the parent filing the
10 proposed independent enforcement action. The district
11 attorney may object only if the district attorney is
12 currently using an administrative or judicial method to
13 enforce the support obligation or if the proposed
14 independent enforcement action would interfere with an
15 investigation being conducted by the district attorney. If
16 the district attorney does not respond to the parent's
17 written notice within 30 days, the district attorney shall
18 be deemed to have given consent.

19 (3) The court shall order that all payments of support
20 shall be made to the district attorney in any action filed
21 under this section by the parent who has requested, or is
22 receiving, support enforcement services of the district
23 attorney unless support enforcement services have been
24 terminated by the district attorney by case closure as
25 provided by federal law. Any order obtained by a parent
26 prior to support enforcement services being terminated
27 in which the district attorney did not receive proper
28 notice pursuant to this section shall be voidable upon the
29 motion of the district attorney.

30 (g) Any notice from the district attorney requesting a
31 meeting with the support obligor for any purpose
32 authorized under this section shall contain a statement
33 advising the support obligor of his or her right to have an
34 attorney present at the meeting.

35 (h) For the purpose of this section, "a parent who is
36 receiving support enforcement services" includes a
37 parent who has assigned his or her rights to support
38 pursuant to Section 11477.



(i) The Judicial Council shall develop forms to implement this section. These forms shall be available no later than July 1, 1998.

SEC. 6.1. Section 11350.1 of the Welfare and Institutions Code is amended to read:

11350.1. (a) Notwithstanding any other statute, in any action brought by the ~~district attorney~~ *Franchise Tax Board* for the support of a minor child or children, the action may be prosecuted in the name of the ~~county~~ *state* on behalf of the child, children, or a parent of the child or children. The parent who has requested or is receiving support enforcement services of the ~~district attorney~~ *Franchise Tax Board* shall not be a necessary party to the action but may be subpoenaed as a witness. Except as provided in subdivision (e), in an action under this section there shall be no joinder of actions, or coordination of actions, or cross-complaints, and the issues shall be limited strictly to the question of parentage, if applicable, and child support, including an order for medical support. A final determination of parentage may be made in any action under this section as an incident to obtaining an order for support. An action for support or parentage pursuant to this section shall not be delayed or stayed because of the pendency of any other action between the parties.

(b) Judgment in an action brought pursuant to this section, and in an action brought pursuant to Section 11350, if at issue, may be rendered pursuant to a noticed motion, ~~which~~ *that* shall inform the defendant that in order to exercise his or her right to trial, he or she must appear at the hearing on the motion.

If the defendant appears at the hearing on the motion, the court shall inquire of ~~him or her~~ *the defendant* if he or she desires to subpoena evidence and witnesses, if parentage is at issue and genetic tests have not already been conducted whether he or she desires genetic tests, and if he or she desires a trial. If ~~his or her~~ *the defendant's* answer is in the affirmative, a continuance shall be granted to allow ~~him or her~~ *the defendant* to exercise those rights. A continuance shall not postpone the

1 hearing to more than 90 days from the date of service of
2 the motion. ~~In the event that~~ If a continuance is granted,
3 the court may make an order for temporary support
4 without prejudice to the right of the court to make an
5 order for temporary support as otherwise allowed by law.

6 (c) In any action to enforce a spousal support order the
7 action may be pled in the name of the ~~county~~ state in the
8 same manner as an action to establish a child support
9 obligation. The same restrictions on joinder of actions,
10 coordination of actions, and cross-complaints, and delay
11 because of the pendency of any other action as relates to
12 actions to establish a child support obligation shall also
13 apply to actions to enforce a spousal support order.

14 (d) Nothing contained in this section shall be
15 construed to prevent the parties from bringing an
16 independent action under the Family Code and litigating
17 the issues of support, custody, visitation, or protective
18 orders. In that event, any support, custody, visitation, or
19 protective order issued by the court in an action pursuant
20 to this section shall be filed in the action commenced
21 under the Family Code and shall continue in effect until
22 modified by a subsequent order of the court. To the
23 extent that the orders conflict, the court order last issued
24 shall supersede all other orders and be binding upon all
25 parties in that action.

26 (e) (1) After a support order, including a temporary
27 support order and an order for medical support only, has
28 been entered in an action brought pursuant to this
29 section, the parent who has requested or is receiving
30 support enforcement services of the ~~district attorney~~
31 *Franchise Tax Board* shall become a party to the action
32 brought pursuant to this section, only in the manner and
33 to the extent provided by this section, and only for the
34 purposes allowed by this section.

35 (2) Notice of the parent's status as a party shall be
36 given to the parent by the ~~district attorney~~ *Franchise Tax*
37 *Board* in conjunction with the notice required by
38 subdivision (e) of Section 11478.2. The complaint shall
39 contain this notice. Service of the complaint on the parent
40 in compliance with Section 1013 of the Code of Civil

1 Procedure, or as otherwise provided by law, shall
2 constitute compliance with this section. In all actions
3 commenced under the procedures and forms in effect on
4 or before December 31, 1996, the parent who has
5 requested or is receiving support enforcement services of
6 the ~~district attorney~~ *Franchise Tax Board* shall not
7 become a party to the action until he or she is joined as
8 a party pursuant to an ex parte application or noticed
9 motion for joinder filed by the ~~district attorney~~ *Franchise*
10 *Tax Board* or a noticed motion filed by either parent. The
11 ~~district attorney~~ *Franchise Tax Board* shall serve a copy
12 of any order for joinder of a parent obtained by the
13 ~~district attorney's~~ *Franchise Tax Board's* application on
14 both parents in compliance with Section 1013 of the Code
15 of Civil Procedure.

16 (3) The parent who has requested or is receiving
17 support enforcement services of the ~~district attorney~~
18 *Franchise Tax Board* is a party to an action brought under
19 this section for issues relating to the support, custody, and
20 visitation of a child, and for restraining orders, and for no
21 other purpose. The ~~district attorney~~ *Franchise Tax Board*
22 shall not be required to serve or receive service of papers,
23 pleadings, or documents, or participate in, or attend any
24 hearing or proceeding relating to issues of custody or
25 visitation, except as otherwise required by law. Orders
26 concerning custody and visitation may be made in an
27 action pursuant to this subdivision only if orders
28 concerning custody and visitation have not been
29 previously made by a court of competent jurisdiction in
30 this state or another state and the court has jurisdiction
31 and is the proper venue for custody and visitation
32 determinations. All issues regarding custody and
33 visitation shall be heard and resolved in the manner
34 provided by the Family Code. Except as otherwise
35 provided by law, the ~~district attorney~~ *Franchise Tax*
36 *Board* shall control support and parentage litigation
37 brought pursuant to this section, and the manner,
38 method, and procedures used in establishing parentage
39 and in establishing and enforcing support obligations
40 unless and until the parent who requested or is receiving

1 support enforcement services has requested in writing
2 that the ~~district attorney~~ *Franchise Tax Board* close his or
3 her case and the case has been closed in accordance with
4 federal regulation.

5 (f) (1) A parent who has requested or is receiving
6 support enforcement services of the ~~district attorney~~
7 *Franchise Tax Board* may take independent action to
8 modify a support order made pursuant to this section
9 while support enforcement services are being provided
10 by the ~~district attorney~~ *Franchise Tax Board*. The parent
11 shall serve the ~~district attorney~~ *Franchise Tax Board* with
12 notice of any action filed to modify the support order and
13 provide the ~~district attorney~~ *Franchise Tax Board* with a
14 copy of the modified order within 15 calendar days after
15 the date the order is issued.

16 (2) A parent who has requested or is receiving support
17 enforcement services of the ~~district attorney~~ *Franchise*
18 *Tax Board* may take independent action to enforce a
19 support order made pursuant to this section while
20 support enforcement services are being provided by the
21 ~~district attorney~~ *Franchise Tax Board* with the written
22 consent of the ~~district attorney~~ *Franchise Tax Board*. At
23 least 30 days prior to filing an independent enforcement
24 action, the parent shall provide the ~~district attorney~~
25 *Franchise Tax Board* with written notice of the parent's
26 intent to file an enforcement action—~~which~~ *that* includes
27 a description of the type of enforcement action the parent
28 intends to file. Within 30 days of receiving the notice, the
29 ~~district attorney~~ *Franchise Tax Board* shall either provide
30 written consent for the parent to proceed with the
31 independent enforcement action or notify the parent
32 that ~~he or she~~ *it* objects to the parent filing the proposed
33 independent enforcement action. The ~~district attorney~~
34 *Franchise Tax Board* may object only if the ~~district~~
35 ~~attorney~~ *Franchise Tax Board* is currently using an
36 administrative or judicial method to enforce the support
37 obligation or if the proposed independent enforcement
38 action would interfere with an investigation being
39 conducted by the ~~district attorney~~ *Franchise Tax Board*.
40 If the ~~district attorney~~ *Franchise Tax Board* does not

respond to the parent's written notice within 30 days, the ~~district attorney~~ Franchise Tax Board shall be deemed to have given consent.

(3) The court shall order that all payments of support shall be made to the ~~district attorney~~ Franchise Tax Board in any action filed under this section by the parent who has requested, or is receiving, support enforcement services of the ~~district attorney~~ Franchise Tax Board unless support enforcement services have been terminated by the ~~district attorney~~ Franchise Tax Board by case closure as provided by federal law. Any order obtained by a parent prior to support enforcement services being terminated in which the ~~district attorney~~ Franchise Tax Board did not receive proper notice pursuant to this section shall be voidable upon the motion of the ~~district attorney~~ Franchise Tax Board.

(g) Any notice from the Franchise Tax Board requesting a meeting with the support obligor for any purpose authorized under this section shall contain a statement advising the support obligor of his or her right to have an attorney present at the meeting.

(h) For the purpose of this section, "a parent who is receiving support enforcement services" includes a parent who has assigned his or her rights to support pursuant to Section 11477.

~~(h)~~

(i) The Judicial Council shall develop forms to implement this section. These forms shall be available no later than July 1, 1998.

SEC. 7. (a) Section 3.1 of this bill incorporates amendments to Section 4351 of the Family Code proposed by both this bill and AB 2094. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 1999, (2) each bill amends Section 4351 of the Family Code, and (3) this bill is enacted after AB 2094, in which case Section 3 of this bill shall not become operative.

(b) Section 6.1 of this bill incorporates amendments to Section 11350.1 of the Welfare and Institutions Code proposed by both this bill and AB 2094. It shall only

1 *become operative if (1) both bills are enacted and*
2 *become effective on or before January 1, 1999, (2) each*
3 *bill amends Section 11350.1 of the Welfare and*
4 *Institutions Code, and (3) this bill is enacted after AB*
5 *2094, in which case Section 6 of this bill shall not become*
6 *operative.*

7 SEC. 8. Notwithstanding Section 17610 of the
8 Government Code, if the Commission on State Mandates
9 determines that this act contains costs mandated by the
10 state, reimbursement to local agencies and school
11 districts for those costs shall be made pursuant to Part 7
12 (commencing with Section 17500) of Division 4 of Title
13 2 of the Government Code. If the statewide cost of the
14 claim for reimbursement does not exceed one million
15 dollars (\$1,000,000), reimbursement shall be made from
16 the State Mandates Claims Fund.

17 Notwithstanding Section 17580 of the Government
18 Code, unless otherwise specified, the provisions of this act
19 shall become operative on the same date that the act
20 takes effect pursuant to the California Constitution.

